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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/821,622	04/08/2004	Ken Forsse	FORSSE-41028	8928

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EXAMINER

NGUYEN, KIM T

ART UNIT	PAPER NUMBER
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3713

DATE MAILED: 06/30/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/821,622

Applicant(s)

FORSSE, KEN

Examiner

Kim T. Nguyen

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-45 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-14, 20-29 and 33-45 is/are rejected.
- 7) ☒ Claim(s) 15-19 and 30-32 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 4/8/04.

- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION***Double Patenting***

1. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the “right to exclude” granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

2. Claims 1-45 are rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-22 of U.S. Patent No. 5,807,176 in view of Cooper (U.S. Patent No. 2002/0008690).

Claims 1-45 discloses the same subject matter taught in claims 1-22 of the patent ‘176. Moreover, Cooper discloses a feedback unit for displaying output from the remote multimedia source and a transceiver for providing two-way communication (paragraphs 0043 and 0096-0097). An ordinary person skilled in the art would be able to implement the feedback unit and the transceiver taught by Cooper to the system

taught in claims 1-22 of the patent '176 in order to provide feedback information and two-way communication between the two devices.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-14 and 20-29 and 33-45 are rejected under 35 U.S.C. 103(a) as being unpatentable over Forsse et al (US 5,807,176) in view of Cooper (U.S. Patent No. 2002/0008690).

Claims 1 and 11: Forsse discloses an interactive binder and platform system comprising a remote multimedia source (abstract); a plurality of binders, each binder includes a plurality of conductive pins and at least a fixed medium having a plurality of distinct circuits and a plurality of touch points (col. 4, lines 40-41 and 60-67); and a transmitter connected to the binder for providing power to the binder and transmitting signals from the binder to the remote multimedia source (col. 2, lines 17-20). Forsse does not explicitly disclose including a feedback unit for displaying output from the remote multimedia source and providing two-way communications. However, Cooper discloses including a feedback unit (e.g. display screen 106 in Fig. 1) for displaying output from the remote multimedia source (paragraph 0043) and a

transceiver for providing two-way communication (paragraphs 0096-0097). It would have been obvious to a person of ordinary skill in the art at the time the invention was made to implement the feedback unit as taught by Cooper in the system of Forsse and to replace the transmitter in the system of Forsse with the transceiver taught by Cooper in order to allow two-way communication between the two devices and to display images or messages to the player.

Claim 2: Forsse discloses that the fixed medium includes a plurality of apertures corresponding to the plurality of conductive pins (col. 4, lines 60-67 and col. 9, lines 60-64).

Claim 3: Forsse discloses that the fixed medium comprises interactive paper having printed distinct circuits and power circuits in the fixed medium (col. 2, lines 45-47).

Claim 4: Forsse discloses that the fixed medium comprises a printed circuit board and an overlaying laminate (col. 10, lines 12-15).

Claim 5: Forsse discloses including an underlying laminate adjacent to the printed circuit board opposite the overlying laminate, the underlying laminate including apertures corresponding to a touch point (col. 10, lines 16-20).

Claim 6: Forsse discloses including a play piece at least partially positionable within an aperture of the laminate of the fixed medium, the play piece includes a housing and a conductive tip configured to engage an underlying touch point to complete the corresponding distinct circuit (col. 10, lines 21-27).

Claim 7: Forsse discloses that the binder includes a hinged lid adjacent to the conductive pins (col. 10, lines 56-63).

Claim 8: Cooper discloses connecting the transceiver and remote multimedia source through a wireless local access network (paragraph 0043).

Claims 9 and 14: using a wall display for displaying images or messages, removing a fixed medium from a binder would have been both well-known and obvious design choice.

Claim 10: Cooper discloses including a binder display (paragraph 0006).

Claim 12: Cooper discloses connecting the computer to a website (paragraph 0044).

Claim 13: Forsse discloses including a CD-ROM player (abstract).

Claims 20-22: Cooper discloses connecting the transceiver to a binder (Fig. 11; paragraphs 0069-0070). Further, connecting a transceiver to all the binders or to a particular binder would have been obvious and requires only routine skill in the art.

Claim 23: Forsse discloses that the fixed medium includes indicia associated with each touch point (col. 6, lines 3-5).

Claim 24: Forsse discloses including a conductive tip for contacting a touch point (col. 3, lines 7-9).

Claim 25: refer to discussion in claim 1 above. Further, Cooper discloses instructor and student binders (paragraph 0145).

Claim 26: refer to discussion in claim 3 above.

Claim 27: Cooper discloses including a track ball for manipulating the remote multimedia source (paragraph 0047).

Claims 28-29 and 33-35: refer to discussion in claims 1, 8-10 and 21 above.

Claim 36: refer to discussion in claim 1 above. Further, Forsse discloses a plurality of play pieces as claimed (col. 3, lines 59-64).

Claim 37-38: refer to discussion in claims 4-5 above.

Claim 39: Cooper discloses including an audio means (paragraph 0177).

Claim 40: Cooper discloses that the feedback unit is a computer monitor 106 (Fig. 1).

Claims 41-44: Forsse discloses a robotic stage (col. 9, lines 31-40). Further, including a display for providing graphical output, a speaker for providing an audio output and a means for emitting an odor in a robotic would have been well known to a person of ordinary skill in the art at the time the invention was made.

Claim 45: Forsse discloses including a game board in the fixed medium (col. 7, lines 59-62).

Allowable Subject Matter

5. Claims 15-19 and 30-31 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

6. The following is a statement of reasons for the indication of allowable subject matter: the prior art of record fails to show or fairly suggest an interactive binder and

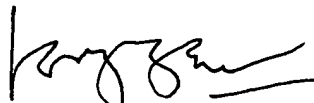
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platform system as set forth in independent claims 1 or 25 in which the feedback unit includes a wall display and a binder display, the binder display providing a message relating to the touch point selected by the user in response to indicia shown on the wall display.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kim Nguyen whose telephone number is 571-272-4441. The examiner can normally be reached on Monday-Thursday during business hours.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Xuan Thai, can be reached on 571-272-7147. The central official fax number for the organization where this application or proceeding is assigned is 571-273-8300.

kn
Date: June 14, 2006


Kim Nguyen
Primary Examiner
Art Unit 3713